REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register:	05 September 2003
Name of applicant/court:	Secretary for Internal Affairs
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	Pavement February/March 2003
Other Known Title(s):	Pavement Issue 57 February/March 2003 Au Naturel - Celebrating The Nude
Director(s):	Not Applicable
Producer(s):	Not Applicable
Publisher:	Pavement Company Limited
Author(s):	Not Applicable
Format:	Magazine - Periodical
Country of Origin:	New Zealand
Language(s):	English

Components of film originally examined: Not Applicable.

Feature: Running Time:

Trailers: Running Time:

Total Running Time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Unrestricted: Suitable for mature audiences 16 years of age and over.

Display Conditions:

Not Applicable.

Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on: Not Applicable.

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SUMMARY OF THE REASONS FOR DECISION:

The magazine entitled *Pavement February/March 2003*, (issue 57) also known as *Au Naturel – Celebrating The Nude* is classified as:
Unrestricted: Suitable for mature audiences 16 years of age and over.

Pavement is a New Zealand magazine dealing with young adult urban culture. This issue of the magazine deals with matters of sex throughout, to the effect that sexual matters are a dominant tone. Sexuality, sexualised nudity and sexual appeal are prominent in many advertisements for consumables and entertainment. Feature articles about actors and films include a strong pictorial and textual emphasis on sex. However, in the Classification Office's assessment "The Nude" feature, in which five photographers' images of nudes are collected, contributes artistic values and celebrates the human body without emphasising sexual matters.

A small number of images depict ambiguously aged females, and one depicts a naked female who is possibly in her mid-teens to model a shoulder bag. However, the dominant effect of the magazine is of an urban culture and lifestyle publication. Viewing the images in this context, the magazine cannot be said to promote or support or tend to promote or support the sexual exploitation of children or young persons for sexual purposes, which would result in an automatic ban under s3(2) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act). Nor does the magazine exploit the nudity of young persons (a consideration under s3(3)(b) of the FVPC Act) to a such an extent or degree or in such a manner that warrants a restriction to prevent likely harm to society.

The words of the FVPC Act must be given such available meaning as impinges as little as possible on the freedom of expression in order to be consistent with the New Zealand Bill of Rights Act 1990. The images of concern have an ambiguity about them in terms of their likely effect on the audience, and the magazine as a whole deals with the free expression of ideas and opinion in relation to culture, art and fashion. Therefore any restriction on this publication would not be a reasonable limit on these freedoms, or one that is demonstrably justifiable in a free and democratic society.

OFLC No: 300306